

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>LARRY FREUDENBERG Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 07-cv-8538 (RWS)</p> <p>ECF CASE</p>
<p>WILLIAM BOSTON, Individually and on Behalf Of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 07-cv-8808 (RWS)</p>
<p>ROBERT D. THULMAN, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 07-cv-9651 (RWS)</p>

**[PROPOSED] ORDER FOR THE CONSOLIDATION OF
ALL RELATED ACTIONS, APPOINTMENT LEAD
PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S
SELECTION OF LEAD COUNSEL**

Upon good cause shown and all of the records and proceedings herein, **IT IS HEREBY ORDERED THAT:**

Consolidation

1. The above-captioned actions are appropriate for consolidation and are consolidated for all purposes including, but not limited to, discovery, pre-trial proceedings and trial proceedings, pursuant to Rule 42(c) of the Federal Rules of Civil Procedure. This matter shall be identified as *In re E*TRADE Financial Securities Litigation*, Civil Action No. 07-CV- 8538 –RWS, and the files of the action shall be maintained in one file under Master File No. 07-CV-8538 -RWS.

Appointment Of Lead Plaintiff

2. State Teachers Retirement System of Ohio (“STRS”) is hereby appointed the Lead Plaintiff in the consolidated action pursuant to Section (3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. 78n-4(a)(3)(B).

Plaintiff's Counsel

Lead Plaintiff's selection of the law firm of Abbey Spanier Rodd & Abrams, LLP, as Lead Counsel in the consolidated action is approved.

SO ORDERED, this ____ day of _____, 2007

Honorable Robert W. Sweet
United States District Judge